

**U.S. BANKRUPTCY COURT
District of South Carolina**

Case Number: **17-03914-jw**

Settlement Order

The relief set forth on the following pages, for a total of 4 pages including this page, is hereby ORDERED.

**FILED BY THE COURT
04/28/2020**



Entered: 04/28/2020

A handwritten signature in cursive script, reading "John E. Waites".

US Bankruptcy Judge
District of South Carolina

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF SOUTH CAROLINA (Charleston)

IN RE:

Betty Jo Marshall

Debtor(s).

C/A No. 17-03914-jw

Chapter 13

**SETTLEMENT ORDER
ON
MOTION FOR RELIEF FROM
AUTOMATIC STAY
(Value/Equity Exists
Above Movant's Lien)¹**

This matter comes before the Court on the motion for relief from the automatic stay filed by U.S. Bank Trust N.A., as Trustee for LSF9 Master Participation Trust ("Movant"). The Chapter 13 Trustee did not object to the motion or has agreed to the settlement. The property which is the subject of the motion is described as follows:

178 Jasmine Hall Rd, Seabrook, SC 29940

Upon the agreement of the parties, it is hereby ORDERED:

According to the certifications of facts, the value/equity in the subject property above the movant's lien is \$97,151.00 (based on certification of facts attached to ECF 77).

As of April 1, 2020, Debtor has accrued a post petition arrearage in the amount of \$9,092.85. The post petition arrearage consists of:

- ☒ Payments for the month(s) of Sept 2019 through Oct 2019 in the amount of \$940.06 per month.
- ☒ Payments for the month(s) of Nov 2019 through April 2020 in the amount of \$1093.58 per month.
- ☒ Stipulation Payments for the month(s) of Sept 2019 through Nov 2019 in the amount of \$376.54 per month.
- ☒ Stipulation Payments for the month(s) of Dec 2019 in the amount of \$376.43 per month.
- ☐ Late charges in the amount of \$ _____.
- ☐ Attorney's fees and costs in the amount of \$ _____.
- ☐ Other costs (specify below) in the amount of \$ _____.

Debtor shall continue to remit to Movant the regular post petition monthly payments beginning N/A.
SEE NON-STANDARD LANGUAGE BELOW.

¹ This form is to be used if the value/equity above the movant's lien in the property exceeds \$5,000.00.

In addition to the regular post petition monthly payments set forth above, Debtor shall cure the post petition arrearage of \$ _____ as follows: **N/A. See NON-STANDARD LANGUAGE BELOW.**

☐ Pay initial payment of \$ _____ by _____, 20__.

☐ Pay \$ _____ per month beginning _____, 20__ for ____ months.

☐ Pay final payment of \$ _____ by _____, 20__.

Failure to make a payment within 20 days from its due date shall be considered a default under the terms of this settlement order.

Payments shall be paid directly to Movant at:

Caliber Home Loans Inc
PO Box 24330
Oklahoma City OK 73124

In the event of a default under the terms of this Order, Movant may file an affidavit of default and request for further hearing, and a hearing will be scheduled to determine whether relief from stay is warranted.

Movant agrees to waive any claim arising under 11 U.S.C. § 503(b) or § 507(b) as a result of this Order. In the event relief from the automatic stay is granted due to Debtor's default under the terms of this Settlement Order, Movant agrees that any funds received in excess of all liens, costs, and expenses will be paid to the Trustee.

The parties agree that the Fed. R. Bankr. P. 4001(a)(3) stay:

- ☐ is applicable to any order granting relief for default on this settlement order.
☒ is not applicable to any order granting relief for default on this Settlement Order.

NON-STANDARD LANGUAGE

(Hearing May Be Required for Approval)

Debtor shall file an amended plan within 10 days of entry of this order proposing to: (1) make monthly adequate protection payments in the amount of \$383.31 to Movant, which is equal to the base escrow portion of the currently monthly mortgage payment beginning June, 2020; (2) proposing to pay Movant's claim in full from the proceeds of the sale of the subject property within 180 days of confirmation of the amended plan.

AND IT IS SO ORDERED.

WE SO MOVE AND CONSENT:

/s/ Louise M. Johnson

Louise Johnson

Scott & Corley

District Court I.D. 7509

/s/ David C Gaffney

David C Gaffney

Gaffney Law Firm, P A

District Court I.D. 10112

CERTIFICATION:

Prior to consenting to this settlement order, the payment obligations set forth in this Order, including the amounts, method, and timing of payments, and consequences of default were reviewed with and agreed to by the Debtor(s) or the party obligated to pay.

/s/ David C Gaffney

David C Gaffney

District Court I.D. 10112